

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANGELA BROWN, *et al.*

Case No.: 1:22-cv-01455-KPF

Plaintiffs,

COLLECTIVE ACTION

v.

**PLAINTIFF ELENA
MALYSHEVA'S NOTICE OF
ACCEPTANCE OF
DEFENDANTS' OFFER OF
JUDGMENT PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 68**

PEREGRINE ENTERPRISES, INC.
dba RICK'S CABARET NEW
YORK, a New York corporation; RCI
ENTERTAINMENT (NEW YORK)
INC., a New York corporation; RCI
HOSPITALITY HOLDINGS, INC.
fka RICK'S CABARETI
INTERNATIONAL, INC., a Texas
corporation; RCI MANAGEMENT
SERVICES, a Texas corporation;
ERIC LANGAN, an individual; ED
ANAKAR, an individual; DOE
MANAGERS 1-3; and DOES 4-10,
inclusive,

Defendants.

COMES NOW plaintiff ELENA MALYSHEVA ("Plaintiff" and "Ms. Malysheva") by and through undersigned counsel, and submits Plaintiff's Notice of Acceptance of defendants Peregrine Enterprises, Inc. dba Rick's Cabaret New York, RCI Entertainment (New York), Inc., RCI Hospitality Holdings, Inc. fka Rick's Cabaret International, Inc., RCI Management Services, Eric Langan, and Ed Anakar's (collectively, "Defendants") Offer of Judgment pursuant to Federal Rule of Civil Procedure 68 as follows:

1. Plaintiff Elena Malysheva Opted into this collective action on April 14, 2022. *See* Dkt. 27.

2. On April 3, 2023, Defendants served plaintiff Elena Malysheva with an Offer of Judgment pursuant to Federal Rule of Civil Procedure 68 in the amount of \$7,540.40 to Plaintiff as full compensation for all fees and costs incurred in this action. A true and correct copy of Plaintiff Elena Malysheva's Offer of Judgment is attached hereto as **Exhibit 1**.

3. This acceptance of offer of judgment extinguishes only Ms. Malysheva's claims in this action. However, twenty-two other opt-in plaintiffs (Angela Brown, Raina Bigham, Lauren Farano, Marley Blangiardo, Rebecca Branson, Zuleyka Bula, Maria Cardenas, Coral Ann Hall, Teresa Leja, Giselle Luza, Leslie Tejeda, Kayle Rodriguez, Lisa Sdrigotti, Nastassia Bradbury, Kayla Urena, Yana Toyber, Kianna Francis, Maryanny Manan, Janice Valdez, Tracie Middleton, Gabriela Chan, and Ashley Venecia) continue to prosecute their claims before this Court.

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4. Pursuant to Federal Rule of Civil Procedure 68, Plaintiff timely serves written notice of her acceptance of the offer via the Court's CM/ECF electronic filing system to Defendants' attorneys of record.

Respectfully Submitted,

Dated: April 14, 2023

CARPENTER & ZUCKERMAN

A handwritten signature in black ink, appearing to read 'F M Mihalic, Jr.', is written over a horizontal line.

Frank M. Mihalic, Jr. (*Pro Hac Vice*)

John P. Kristensen (*Pro Hac Vice*)

Justice D. Turner (*Pro Hac Vice*)

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on Friday, April 14, 2023 a true and correct copy of the attached
**PLAINTIFF ELENA MALYSHEVA'S NOTICE OF ACCEPTANCE OF DEFENDANTS'
OFFER OF JUDGMENT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 68**
was served via CM/ECF upon the following parties pursuant to Rule 5 of the Federal Rules of
Civil Procedure:

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Counsel for Defendants

/s/ Frank M. Mihalic, Jr.

Frank M. Mihalic, Jr.